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Washington, D.C. 20505

DIRECTORATE OF INTELLIGENCE

DATE 5/29/86 FILE

DOC NO GIM 86-20127

OCR 3

P&PD 1

21 May 1986

MEMORANDUM FOR: William A Kirby, Deputy for Middle East Negotiations, Bureau of Near Eastern and South Asian Affairs, Department of State

FROM:
Chief, Geography Division,
Office of Global Issues

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SUBJECT: Egypt-Israel; The Taba Boundary Dispute

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1. The attached memorandum responds to your request for a copy of our draft research paper on the Taba dispute.

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2. The research and analysis for this study was done by the Near East Branch, Geography Division, Office of Global Issues.

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Attachment:

Egypt Israel: The Taba Boundary Dispute
GIM 86-20127, May 1986

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SUBJECT: Egypt-Israel: The Taba Boundary Dispute [REDACTED]

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OGI/GD/NE [REDACTED]

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Washington, D. C. 20505

DIRECTORATE OF INTELLIGENCE

21 May 1986

Egypt-Israel: The Taba Boundary Dispute

Summary

Taba has been a major area of dispute between Egypt and Israel since April 1982, when, as Israel was withdrawing from the Sinai, it refused to leave Taba and nine other areas on the Egyptian side of the long-accepted international boundary. Although not the largest of the disputed areas, Taba is the most important because of the presence there of an Israeli-built and -operated luxury hotel, and because of its location on the Gulf of Aqaba. In addition to being a technical dispute over the location of the boundary, Taba has evolved into the chief political dispute between the two countries, and has been a key element preventing the full normalization of relations. [redacted]

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Discussions between the two parties on the Taba dispute took place in May 1982, but resolved nothing. Talks resumed in January 1985, but only began to yield significant results following the January 1986 acceptance by the Israeli inner cabinet of arbitration, rather than conciliation, as the means for resolving the dispute. Nevertheless, some differences over procedure remain, particularly the nature of the question that is to be posed to the future arbitration panel. [redacted]

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This memorandum was prepared by [redacted]
[redacted] Geography Division, Office of Global Issues.
The information contained herein is updated to 21 May 1986.
Comments and queries may be directed to [redacted]
Chief Geography Division [redacted]

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The present boundary between Egypt and Israel, according to the 1979 Peace Treaty, is "the international boundary between Egypt and mandated Palestine." The Egypt-Palestine boundary was initially demarcated in 1906 as the "administrative separating line" between Egypt and the Ottoman Empire, was later recognized as the international boundary from 1922 to 1948, and, for the most part, formed the armistice line between Egypt and Israel from 1949 to 1967. The 1906 Agreement Defining the Turco-Egyptian Boundary clearly places Taba in Egyptian territory, and except when Israel occupied the Sinai from October 1956 to March 1957, Taba remained in Egyptian hands until 1967. [REDACTED]

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In addition to the undisputed, historic presence of Egypt at Taba, the following evidence supports the Egyptian claim:

- The text of the 1906 Agreement.
- The 1906 report of the Sinai Boundary Commission.
- The 1907 report by the Egyptian Survey Department.
- A 1906 photograph of men erecting the original boundary pillar at Taba.
- Discovery in 1981 of the remains of the disputed boundary pillar near the point where Egypt claims it was established.
- Depiction of the boundary on all pre-1982 maps (including Israeli maps) of the area that show the boundary.
- Geographical coordinates of the boundary pillar provided to the US State Department by Israel's Department of Surveys in 1971.
- Observations in 1981 of Israeli signs marking the old boundary along the line which Egypt claims. [REDACTED]

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We know of no evidence that supports the Israeli claim. Published information and presentations by Israeli officials to the US Embassy, Tel Aviv, reveal that in preparing its case, Israel has concentrated on critiquing the Egyptian claim. We believe, however, that none of Israel's counter arguments are valid. Nevertheless, Israeli officials claim to believe that their case is strong enough to allow for some sort of arbitration compromise. [REDACTED]

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Regardless of who wins the Taba dispute, we believe the outcome has more serious implications for the Egyptian Government than for Israel. If the future arbitration panel decided in

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favor of Israel, or decided upon a compromised line between the two claims, Egyptian President Mubarak would face serious political problems at home over the issue of lost sovereignty. As a result, relations with Israel probably would deteriorate. If, on the other hand, the case were decided in favor of Egypt, the standing of the Egyptian Government would be elevated in the eyes of most Egyptians. [REDACTED]

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Although Tel Aviv would welcome an arbitral decision awarding Taba to Israel, the present Israeli government--particularly Prime Minister Peres and other Labor members--recognizes the problems such a decision would have for relations with Egypt. Peres probably recognizes Israel's chance of winning in arbitration is minimal, but because of intense Likud pressuring has no alternative but to see the process through to its conclusion. Israel probably would accept Egyptian control of Taba most willingly if the management of the hotel was unaffected and easy access by Israelis to the area was maintained. We believe this last scenario presents the best opportunity for improved Egypt-Israel relations, and therefore would be most favorable to US interests in the region. [REDACTED]

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Contents

Introduction

Box - Physical Setting

Establishing the Boundary

The Boundary through the Years

Box - MFO

The Hotel and Other Facilities at Taba

The Boundary Dispute at Taba

Box - Other Disputes Along the Boundary

The Egyptian-Claimed Line

The Israeli-Claimed Line

Taba and The Future of Egyptian-Israeli Relations

Egypt-Israel: Boundary Dispute at Taba [REDACTED] 25X1Introduction

The boundary dispute at Taba has been the major continuing irritant in relations between Egypt and Israel since April 1982. At that time, according to the 1979 Peace Treaty, Israel was to withdraw from the Sinai to behind "the recognized international boundary between Egypt and the former mandated territory of Palestine." A few months before the withdrawal, Israeli actions and statements revealed several areas along the boundary that Israel refused to relinquish. Taba is the most important of these areas, primarily because of the presence there of a five-star luxury hotel begun in 1978 by Israelis while peace talks were taking place, and opened in 1982 (Figure 1). [REDACTED] 25X1

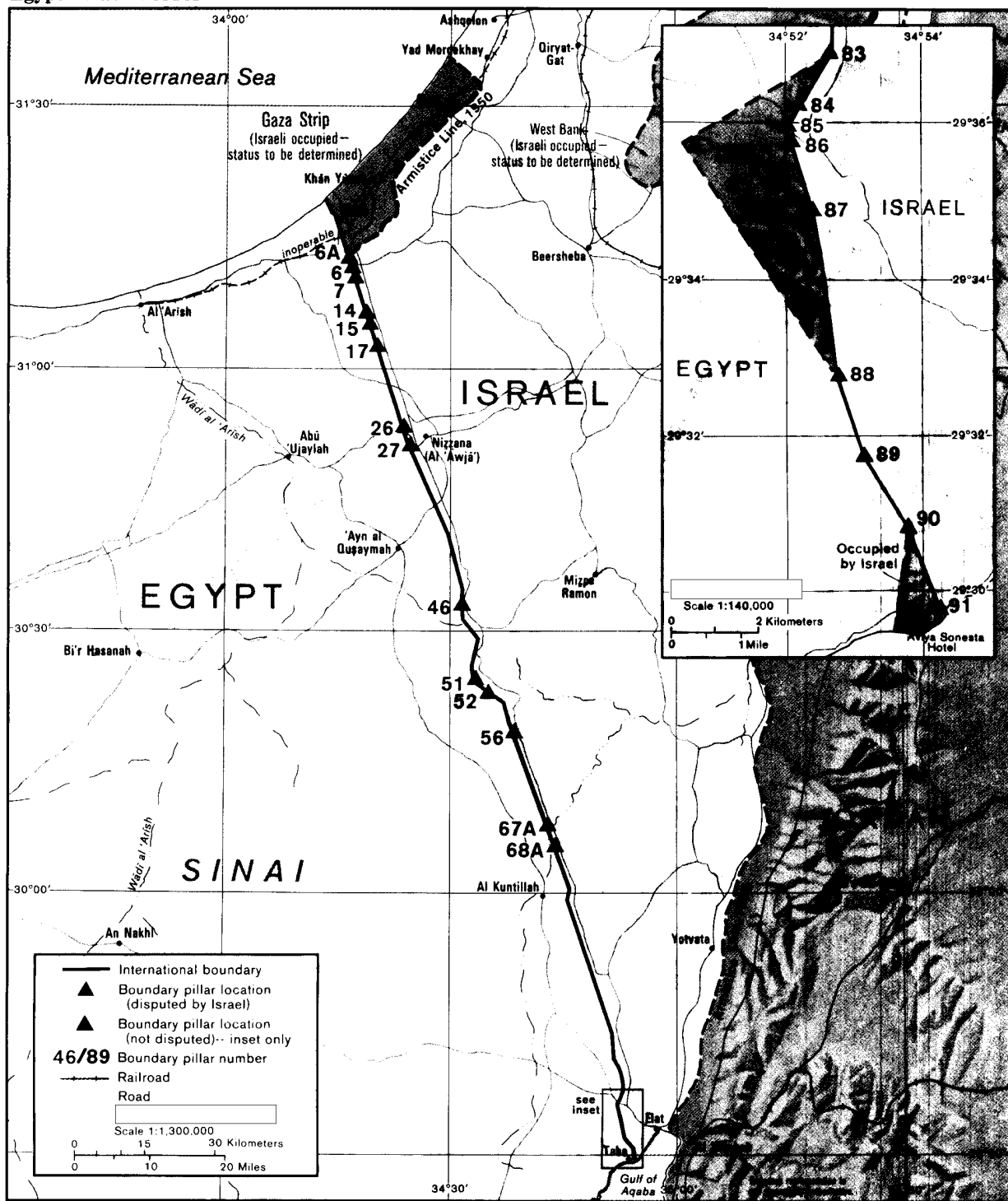
In addition to being a technical disagreement over the location of a boundary line, Taba has become the chief political dispute between the two parties. In 1984, Egypt listed progress in resolving the Taba question as one of three preconditions for significantly improving relations with Israel. (The other two were withdrawal from Lebanon and improved quality of life for Palestinians in the occupied territories.) In March 1986, Egyptian officials reassured Israeli officials that the Egyptian ambassador, recalled by Cairo following the Israeli invasion of Lebanon, would return to Tel Aviv when an agreement on Taba arbitration had been formulated.

- ° For Israel, Taba has been an on-again off-again issue that has more than once threatened to break up the National Unity Government. Some Israeli officials perceive, however, that Egypt has used the border dispute as a pretext for freezing normalization.
- ° For Egypt, return of Taba is a matter of national pride. Egyptian citizens who until five years ago had never heard of Taba, now argue that it is irrefutably Egyptian territory. Taba is a sensitive political issue for Mubarak; the principal opposition party, the New Wafd, has charged that Cairo is permitting an infringement on Egyptian sovereignty of Taba. [REDACTED] 25X1

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Egypt-Israel Border



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Physical Setting

The triangular-shaped disputed area of Taba is defined by Israel's and Egypt's claimed boundary lines that diverge at the southernmost commonly-agreed-upon boundary pillar and continue southward some 2,500 meters to the Gulf of Aqaba, at which point the lines are about 1,100 meters apart. This area is slightly smaller than Washington's Federal Triangle. Within the disputed area lie the southernmost 1,500 meters of the 12-kilometer-long Wadi Taba. The generally flat wadi mouth is about 300 meters wide where it reaches the Gulf. Barren rocky ridges rise rather abruptly on both sides of the Wadi; only a few scattered acacia trees, two doum palms (gingerbread palms), and several rock outcrops break the monotony of the sand-covered wadi floor. Usually dry, the wadi becomes a torrent for brief periods following rare heavy rains. The area contains a well, Bir Taba, that is brackish and now buried, although in 1915 it was reported as being capable of watering 1,000 camels a day. The pebbly beach runs almost straight east from the fence marking the Israeli claim to the tip of Ras el Masri (Egyptian usage) where it bends northeast to form a small bight before swinging more easterly at Ras Taba (Egyptian usage) and the Israeli checkpoint marking the Egyptian claim. Recent Israeli maps label Ras el-Masri as Ras Taba. (Figure 2)

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Establishing the Boundary

The boundary dispute at Taba traces its roots to 1906 when the present boundary between Israel and Egypt was demarcated by the Ottoman Turks, then in control of Palestine, and the Khedivate of Egypt, then occupied by Britain.¹ In 1841, portions of the Sinai, including outposts on the Gulf of Aqaba, had been transferred by the Turks to the Egyptian pashalik under Muhammad Ali. When the British occupied Egypt in 1882, definition of the frontier between the two powers became essential. Realizing the need to protect the vital Suez Canal and the passage to India, the head of the British Agency in Egypt unilaterally declared that the border was to run from a point east of Al 'Arish to the head of the Gulf of Aqaba. Meanwhile, the Turks desired that the Ma'an-Aqaba branch of the Al Hijaz Railroad, constructed by them in 1900, should not be subjected to the western foreign threat represented by the British in Egypt. In short, both parties desired a buffer between them. []

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The events that precipitated the 1906 border demarcation began when a group of Egyptian soldiers led by a British officer encamped at Aqaba in January, 1906. In response, the Turks landed a force at Ras Taba in February. The British retaliated by moving their fleet to Piraeas, Greece, and the situation almost erupted into war. Diplomacy prevailed, however, and in October 1906 commissioners of the Turkish Sultanate and the Egyptian Khedivate signed an agreement defining the Turco-Egyptian boundary in order to prevent any future territorial misunderstandings. []

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While the two parties negotiated, a joint boundary commission surveyed the area in which it was assumed the negotiations would locate the boundary. Between May and July of 1906, the commission and their survey party worked their way from the Gulf of Aqaba to the Mediterranean near Rafah, establishing through astronomical observation 16 reference points to the nearest second of latitude and longitude.

¹ Egypt was a Turkish pashalik (i.e., a province under the jurisdiction of a Turkish pasha, or viceroy), from 1517 through 1867, although Turkish control was somewhat tenuous from the mid- 1700s. In 1867, pasha Ismail was granted the title of Khedive, and Egypt became a khedivate under the nominal rule of Constantinople. With the British occupation in 1882, real power was transferred from the khedivate to the British Agency. In 1914 Britain terminated the Khedivate and the tie to Constantinople, and made Egypt a British protectorate. Egypt became an independent monarchy in 1922. []

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The agreement, signed on October 1, 1906, defined the boundary by physical description from Ras Taba to a point some 10 kilometers north, and then as a series of straight lines connecting 10 of the astronomical points and known physical features. The Agreement, which referred to the boundary as an administrative separating line, called for the erection of boundary pillars at intervisible points along the length of the boundary. After the signing, the Commissioners and the survey party made a second traverse to erect telegraph poles as temporary boundary pillars, and so demarcate the line. Throughout, the party tried to follow the Agreement's language regarding intervisibility between boundary markers, but in several cases circumstances dictated otherwise. The party began their work at Rafah, and finished at Taba on 17 October. []

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On 31 December 1906, Egyptian Captain Effendi el Mufti and his Turkish counterpart began erecting permanent masonry pillars to replace the telegraph poles. Both of these officers had accompanied the joint commission on the second traverse of the boundary. The masonry pillars were constructed as 2.5- meters-tall truncated pyramids with a 1-square meter base. A numbered iron beam was set into the top of the pillar. Parker Pasha, then Acting Governor of Al Arish with responsibility for the whole of Sinai, supervised the erection of the first pillar at Taba. The last pillar² was set up at Tall al Kharab near Rafah on 9 February 1907.

According to Article 1 of the 1906 Agreement, the boundary in the Taba area "begins at the Point of RAS TABA on the western shore of the GULF OF AKABA and follows along the Eastern ridge overlooking WADI TABA to the top of JEBEL FORT..." The map attached to the surveyor's report agrees with the language of the Agreement, showing the border to the east of Wadi Taba. Based on the 1906 report of the Sinai Boundary Commission, Britain desired Taba for Egypt from the beginning of negotiations, probably for its water source and for then-perceived strategic reasons. []

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²Some confusion exists concerning the number of pillars set up. Captain Owen, the British member of the joint commission, lists 90 pillars in his report to the Egyptian Governor-General, with the last pillar at Ras Taba numbered 88. Owen lists two points numbered 83, making the total 90. Captain el Mufti, however, reports erecting 91 masonry pillars with the pillar at Taba numbered 91. British maps produced between 1915 and 1941 show 86 pillars, and recent Israeli and US maps show as many as 96. Regardless of these discrepancies, Egyptian and Israeli negotiations presently are utilizing the same numbering system, and at least agree on the number of the boundary pillars on which they disagree. []

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The Boundary Through the Years

Except for a brief period in 1956-57, Taba remained in Egyptian hands until 1967. Following the defeat of Turkey in World War I, the administrative separating line defined in the 1906 Agreement became the international boundary between Egypt and the British-administered Palestine Mandate from the League of Nations. With a few exceptions, the boundary continued to function after the 1948 withdrawal of the British from Palestine. According to the February 1949 General Armistice Agreement which ended the hostilities between Egypt and the newly-created state of Israel, the armistice line between the two countries differed from the international boundary line in only two places: (1) In the north, where Egyptian forces occupied the area now known as the Gaza Strip, and (2) Near the central border region, where a triangular demilitarized zone was established around the Al Awja oasis. In October 1956, Israel captured the entire Sinai Peninsula from Egypt. When Israeli forces withdrew in March 1957, the 1949 Armistice Line was restored as the boundary, except where Israel took over the demilitarized zone at Al Awja (called Nizzana by Israel.) In 1957, there was no question that Israel would withdraw from Taba; Israeli maps produced in the decade before 1967 clearly show Taba as Egyptian. []

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Israel recaptured the Sinai in June 1967. Following the October War of 1973, years of negotiations resulted in the Egyptian-Israeli Peace Treaty of 26 March 1979. The treaty called for a staged Israeli withdrawal by 26 April 1982 to behind "the international boundary between Egypt and mandated Palestine." However, even while Egypt and Israel were discussing the peace treaty, construction was taking place at Wadi Taba that would initially threaten Israeli withdrawal from Sinai, and later prevent the full normalization of relations between the two parties. []

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The Hotel and Other Facilities at Taba

The centerpiece of the disputed Taba area is its only substantial permanent structure, the 326-room luxury Aviya Sonesta Hotel. Begun in July 1978 and opened in November 1982, the Sonesta is one of three hotels franchised in Israel by the Sonesta International Hotels Corporation.³ The hotel's owner is Eli Papouchado, general manager of Papo Construction Works in Tel Aviv and elected chairman of the Israel Hotel Association in late

³The Sonesta Corporation has its main office in Boston, Massachusetts, and its principal stockholders (59 percent of common stock) as of April 1985 were the Sonnabend family; the Sonnabend Foundation owned 25.7 percent of the preferred stock. The Corporation also manages one hotel in Cairo. []

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1984. According to recent press sources, "Papouchado readily admitted that he knew he was building on contested property when he erected the Sonesta, but he said he did so with the approval of then-Prime Minister Begin." [redacted]

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The only five star hotel on the Gulf of Aqaba (Figure 3), the Sonesta surpasses other hotels in the nearby Israel resort of Eliat and the tourist hotels in Aqaba, Jordan. Advertised as the "swingingest hotel in the country", "totally self-contained," and "perfect for the guest who never wants to go to sleep", the Sonesta had an occupancy rate of 73 percent in its first year and reportedly an even better year in 1984. Early this year, the Mayor of Eilat estimated that 10 percent of the Eilat area's \$100 million-a-year tourism revenue comes from Taba. [redacted]

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Immediately southwest of the Sonesta, but screened from the guest's view by a small hill, is Nelson Village. Operated since 1970 by Rafi Nelson, a one-eyed Israeli "wanderer" this palm-thatched seaside bar and restaurant with guest rooms and its own beach contrasts sharply with the style of the hotel. Press reports indicate that Nelson's slot machines were seized by Israeli police in May, 1982 in a raid that also advertised Israeli sovereignty over the area. [redacted]

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Extending west across the mouth of Wadi Taba from Nelson's beach to the first of two Israeli-built fences marking the limit of the Israeli claim is stony Palm Beach. Named after the scraggly palm trees planted by the Israelis between 1980 and 1982, this little-developed stretch of beach attracts a variety of casual travelers. The Egyptian press has complained that topless and nude swimmers on this beach distract Egyptian soldiers from doing their job in the military facility just across the fence. Periodically, Israeli police and city sanitation workers from Eilat evict long-term campers and vagabonds by bulldozing their shelters in a display of municipal sovereignty. [redacted]

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Both of the fences running along the western limits of the Taba zone were erected by Israelis in 1982. The first, set up between January and April, is located just to the west of the two doum palms. Israel claims this fence was erected to protect the trees, but because the second fence--a straight line continuation of the Egyptian checkpoint facility's easternmost fence--was set up in May to the east of the palms, we believe the presence of two fences represents Israeli rethinking of its claim soon after the 1982 Agreement. Although three of Palm Beach's shelters are to the west of the eastern fence, no beach-goers are permitted into the area between the fences. Similarly, no Egyptians venture into this area. When, in early 1983, Egyptian bulldozers knocked down a portion of the western fence in an apparent attempt to prepare the area for construction of prefabricated buildings, Tel Aviv protested and the Egyptians withdrew. [redacted]

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Figure 3. The Aviya Sonesta Hotel in mid-1983. Outside attractions include pool and island bar, Bedouin tent, and aquatic sports center. Israeli checkpoint facilities along road in background mark limit of the Egyptian claim

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Beyond the western-most fence is an Egyptian military support facility consisting of 33 small pre-fabricated buildings. North of these buildings, along the two-lane hard-surfaced Eilat-Sharm ash Shaykh road, the Multinational Force and Observers (MFO) maintains a checkpoint and small entrenched camp (two prefabricated buildings). The MFO unit is presently manned by troops from the Ninth Infantry Division, US Army. Immediately adjacent to the MFO camp is another Egyptian facility of 23 small prefabricated buildings that houses the staff of the border crossing point. East of the fence a small Israeli building serves as the first checkpoint in Taba for traffic coming from Egypt. Slightly farther east at the junction of the loose surfaced road to Palm Beach and Nelson's Village, Israel intermittently mans a traffic control checkpoint. The main Israeli checkpoint that marks the limit of the Egyptian claim to Taba is on the road where the ridge east of the Wadi Taba reaches the coast. The Israeli facility is in two sections, five small prefabricated buildings at the checkpoint and six similar buildings slightly to the east. [REDACTED]

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The Multinational Force and Observers

The Multinational Force and Observers (MFO) began formal operations on the Sinai Peninsula at 1:00 P.M., 25 April 1982. An outgrowth of the Camp David Accords and the Egypt-Israel Peace Treaty of 1979, the MFO is the successor to the Sinai Field Mission, which began surveillance and monitoring functions of the Egypt/Israel Disengagement Agreement of 1975 in February 1976. Organized largely through the efforts of the United States and funded equally by the US, Israel, and Egypt at a cost of \$90 million per year, it is staffed by about 2,600 personnel from 10 countries. The MFO reports violations of the Peace Treaty and its protocol to both Egypt and Israel but does not rectify them. In the case of Taba, the MFO has remained outside the disputed area pending instructions from Egypt and Israel as to what its responsibilities will be once its forces enter Taba. [REDACTED]

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The Boundary Dispute at Taba

Although construction on the Sonesta Hotel was no secret, Taba did not surface as a boundary dispute until December 1981, when members of the Joint commission that had been set up by the 1979 Treaty surveyed the area in order to demarcate the boundary. According to Egyptian members of the survey team, Israeli members initially tried to find boundary marker 91 near the doum palms west of the hotel. Failing this, the Egyptians led the group up to the eastern ridge overlooking Wadi Taba. Here, where the text of the 1906 Agreement and many pre-1982 maps (including Israeli maps) of the area indicated the southernmost boundary pillar to be, the group found remnants of the original marker, which had been intentionally destroyed (Figures 4 and 5). According to the Egyptians, "After discovering the old sign number (91), the Israeli side could do nothing. They said that nature doesn't lie and that those were truly the remnants of the old border line. However, they stated their reservations that that sign may not be the last [southernmost] one..." [redacted]

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Early in February 1982 Cairo insisted on its "historic right" to Taba inclusive of the hotel. In early March, then-Israeli Prime Minister Begin threatened to hold up the withdrawal from Sinai until Taba and eight other border disputes were resolved. Egypt suggested arbitration or conciliation and offered to pay for the partly completed hotel but this was rejected by Israel. Sometime between January and April 1982, Israel constructed a fence at Taba from the Eilat-Sharm ash Shaykh road to the shore, passing just west of the doum palms. This fence was some 800 meters west of the hotel and in effect, created a de facto boundary between Taba and the remainder of Sinai. [redacted]

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In early April 1982, the US, sensing an impasse that could prevent complete Israeli withdrawal and damage US credibility in the role of treaty broker, decided to become directly involved, and urged the parties to seek binding arbitration. The trilateral negotiations that ensued throughout April eventually produced a last minute agreement on "initial procedures" that was signed by Egyptian and Israeli representative on April 25. This agreement provided for:

- ° Submission of the dispute to a yet-to-be-agreed-upon procedure, which would conform with the 1979 Treaty's call for negotiations as the desired means of settling disputes, followed by conciliation or arbitration should negotiations fail.
- ° Movement of each party behind the lines indicated by the other, pending conclusion of the agreement.

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Figure 4. Iron beam with "91" painted on it. This and pieces of masonry were found by the Joint Israeli-Egyptian Commission near the position where all pre-1982 information indicated boundary marker 91 to be.



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Figure 5. The masonry pieces and the beam found by the Joint Commission on the ridge east of Wadi Taba are very similar to the remainder of the old 1906-1907 boundary markers, such as number 69. A newer boundary marker stands immediately behind the old, and was positioned there in 1981.



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- ° Request by the parties for the MFO to maintain security in the disputed areas.
- ° Continuation of activities which had been conducted in the areas, but no new construction.
- ° Participation by the US in negotiations concerning procedural arrangements, if requested to do by the parties.

This agreement effectively prevented the Taba dispute from stopping Israeli withdrawal from the remainder of Sinai on 26 April 1982. [REDACTED]

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Three rounds of discussions in May 1982 between the two parties yielded little in the way of results other than to identify substantial disagreements, principally over the role of the MFO in the disputed zone. During this time, Egypt complained of unilateral activities by Israeli at Taba, such as flying the Israeli flag at Rafi Nelson's Village, and Israeli customs procedures that treated the disputed zone as Israeli territory. Access to Taba from Israel was permitted without going through Israeli customs, whereas visitors from Egypt were required to cross the area to the Israeli checkpoint on the opposite side of the zone to get their passports stamped for entry into Israel.

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With the June 1982 Israeli invasion of Lebanon, Egypt cut off negotiations and closed the border until mid-July. In August, Cairo stated that it was ready to begin talks when Israel began its withdrawal from Lebanon. Israel stated its willingness to talk if the Taba talks would be linked to discussions on other areas of dispute. For the next two-and-a-half years, the two parties talked about holding talks, but none occurred. [REDACTED]

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During this period Egypt registered several complaints about Israeli activity in the disputed zone counter to the 25 April 1982 Agreement. In October 1982, Cairo charged that Rafi Nelson's Village had expanded, and that Israel had refused to admit a group of Egyptians to the area. The hotel, on which construction had continued since April, opened in November 1982, and Egypt protested. (The US also complained to Israel that the opening of the hotel without mutual agreement violated the April 25 Agreement.) Throughout, Egypt has complained that the presence of Israeli police and armed Israeli military personnel at Taba violated the intent of the 1982 Agreement. [REDACTED]

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Finally, in January 1985, talks resumed in Beersheba on interim arrangements that will operate in Taba during eventual arbitration or conciliation. These discussions resulted in a joint paper that identified several tentative points of agreement on the role of the MFO in Taba, provided a satisfactory agreement was reached on remaining issues. In addition, the two parties agreed to disagree on the role of Israeli police and paramilitary

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forces in the disputed area. During these talks, there was little formal discussion of the final settlement of the dispute. []

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At the next round of discussions in May 1985, however, the main topic was the means toward a final settlement. In these and subsequent talks, Israel pushed for conciliation as a means of resolving the dispute, while Egypt advocated arbitration.⁴ Presumably, Israel sought conciliation because it would provide a greater opportunity for a compromise that would leave the land around the hotel in Israeli hands. []

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In mid-January 1986, however, as the main ingredient of a package deal, the Israeli inner cabinet approved arbitration for the Taba dispute, provided that the first stage (eight months) of the arbitration process would be conducted through conciliation. Egypt has not yet accepted such an initial conciliation period during the arbitration process. []

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The chief remaining sticking point between the two parties is the question that will be proposed to the arbitration panel. As of December 1985, the two questions read:

Israel: "Where should the boundary markers be in the areas where the Egyptian/Israeli boundary is in dispute, in accordance with the Peace Treaty, the April 1982 Agreement, and all other material that the parties may present, including, inter alia, that available to the Joint Commission?"

Egypt: "The panel should determine the exact location of the boundary markers referred to in the annex in accordance with the relevant provisions of the 1979 Peace Treaty and the Agreement of 25 April 1982."

We believe each proposal was designed to optimize the chances that the case would be decided in the respective party's favor. Egypt believes it can prove that the pre-1967 boundary was located where Egypt's present claim lies, and therefore desires that the arbiters determine only where the boundary marker was. Israel on the other hand, believes that perceived

⁴Conciliation is defined as intervention in a dispute by an outsider who seeks to achieve agreement between the disputing parties. []

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Arbitration is defined as the hearing and determination of a case between parties in controversy by a person or person chosen by the parties or appointed under statutory authority instead of by a judicial tribunal provided by law. []

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ambiguity of early-20th century documents and maps could convince the arbiters that the boundary was originally mislocated or plotted wrong, and therefore desires the arbitration panel to determine where the boundary should be. Israel's wording of the question would have permitted placing the boundary markers "in the areas" under dispute, leaving open the same option offered by conciliation: a compromised relocation of the border with the hotel left in Israeli hands. [REDACTED]

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Since January, the parties have resolved most of the differences in the wording of the question to the point that only one word remains under dispute. Egypt desires that the arbiter be asked to determine the "exact" location of the boundary, while Israel desires that the arbiter be asked to determine the "correct" location of the boundary. We believe each party perceives the essence of its original draft of the question to be concentrated now in these single words. [REDACTED]

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Other Disputes Along the Boundary

Although the Taba dispute has received the most attention, nine other disputed areas along the boundary involving the placement of 19 boundary markers⁵ remain under Israeli control (See Figure 1). Eight of the disputes are small (ranging in width from 1.9 to 126 meters) and according to the Egyptians could be settled quickly once the Taba dispute is resolved. Little information has been published by the Israelis to explain their disagreement with the international boundary in these areas. [REDACTED]

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One area of dispute, at the first main road junction north of Taba, is 2.1 kilometers wide--about twice the width of the shore at Taba. Attention was briefly focused here and at two other locations just north of Nizzana in April, 1983, when Egypt demanded the withdrawal of three small Israeli military camps from the disputed zones. Israel refused to withdraw, stating that a "vacuum" would be created that would allow the infiltration of hostile elements and that the Israeli presence prevented the removal of boundary demarcation marks. The Israeli camps remain in place. [REDACTED]

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This large disputed area north of Taba involves disagreements over the locations of boundary pillars 84 thru 88; as at Taba, available evidence supports the Egyptian claim. The 1906 Agreement refers to a boundary point at the Mofrak, or junction, of the roads from Gaza to Aqaba and from Aqaba to An Nakl in Sinai. This junction, which appears on many maps of the area including the 1906 map and many recent maps, is located almost 2 kilometers east of the Israeli-claimed point. In

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⁵These disputed boundary markers are 6A, 6, 7, 14, 15, 17, 26, 27, 46, 51, 52, 56, 67A, 68A, 84, 85, 86, 87, and 88. [REDACTED]

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The Egyptian-Claimed Line

Despite Egypt's desire to limit arbitration to the provisions of the 1979 Treaty and the 1982 Agreement, we believe that all available information on the evolution of the boundary is consistent with the Egyptian claim to Taba. This evidence includes:

- The 1906 Agreement defining the Turco-Egyptian Boundary, which states in Article 1 that the boundary "...begins at the point of Ras Taba...and follows along the Eastern ridge overlooking Wadi Taba..."
- The "Report of the Sinai Boundary Commission, 1906," which states that the southernmost pillar, (numbered 89 in the report) was placed at "Ras Taba on the western shore of the Gulf of Akaba". The author of the report, Captain R. C. R. Owen, a Boundary Commissioner appointed by the Khedive of Egypt, indicates that the person in charge of the construction of the permanent pillars marking the boundary accompanied the party to observe each location. In describing the negotiating strategy employed by the Egyptian Commissioners, Owen indicates that the Wadi Taba was to be secured for Egypt.
- A 1907 Egyptian Survey Department document entitled, "A Report on the Delimitation of the Turco-Egyptian Boundary" which provides a description of the technical methods used by the surveyors during both traverses with the Boundary Commissioners. The report, written by one of the surveyors, E. B. H.-Wade, indicates that the temporary beacons at Taba were placed by the Commissioners in the location called for in the treaty with no technical assistance from Wade. However, the map accompanying the 1906 Agreement as well as a 1911 Egyptian Survey map, show the border meeting the Gulf of Aqaba to the east of astronomical point A.1. Although not mentioned in the Agreement, Wade describes point A.1. as being "on the beach at Taba, close to (astronomical point) B.1." B.1, in turn, is described as being on the "conspicuous granite knob

on shore at Taba." On current maps, Wade's coordinates place both points A.l. and B.l. in the Gulf of Aqaba; this is probably a longitudinal error resulting from the use of inaccurate chronometers. Regardless, point B.l. is a unique physical place, and a metal stake beside which the probable characters "B.l." appear in old paint, may still be seen today on the hillock southwest of the hotel. Based on this known point, and the linear and directional differences between Wade's coordinates for points A.l. and B.l. it can be determined that point A.l. was on the shore at a point some 50 meters east of the hotel, the boundary is therefore even further to the east.

- A 1906 photograph captioned, "Supervising the first Sinai boundary pillar at Taba near Aqaba, 1906," (Figure 6) from the 1983 book, The Diaries of Parker Pasha. This photograph shows approximately 15 men standing around and on the pyramidal masonry pillar located on a highpoint of a ridge overlooking the Gulf of Aqaba. A telegraph pole lying on the ground in front of these men is apparently one of the temporary pillars set up a few months earlier by the Boundary Commission. The presence of this telegraph pole strongly suggests that the permanent pillar was placed at the site selected by the Commissioners. Comparison of the backgrounds of the 1906 photograph with 1984 photograph (Figure 7) taken at a known location on the ridge to the east of Wadi Taba places the 1906 photographer at the southeasternmost point of the same ridge.
- The 1981 discovery of the remains of boundary marker 91 on the ridge to the east of Taba.
- A listing of the geographic coordinates of the boundary pillars of Palestine-Egypt according to the Anglo-Turkish Agreement of 1906, was provided to the U.S. Department of State by Israel's Director of Surveys in March, 1971. According to this document, the location of the southernmost boundary pillar is on the shore of the Gulf of Aqaba at the location of



Figure 6. "Supervising the first Sinai boundary pillar at Taba near Aqaba, 1906."



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[redacted]

the line claimed by Egypt, well to the east of the Sonesta Hotel. Locations given in the document of pillars to the north fall on the existing boundary line as shown by all pre-1982 maps (including Israeli maps) of the area that show the boundary.

- Depiction of the boundary east of Wadi Taba on all pre-1982 maps of the area that show the boundary. These maps include the map that accompanied the 1906 Agreement, the signed map that accompanied the 1979 Egypt-Israel Peace Treaty, and various other British, Egyptian, American, and Israeli maps. Only Israeli maps printed after 1982 show the boundary in a different location. (See Map Annex.)
- Statements by American military officers who visited the Taba area in 1981 and reported seeing old Israeli frontier signs on the Eilat-Sharm ash Shaykh road well to the east of the hotel at about the location of the boundary line claimed by Egypt. [redacted]

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The Israeli-Claimed Line

Despite the contrary evidence, Israel is preparing a case supporting its claim to Taba. The Israeli Government does not deny that the de facto pre-1967 boundary was situated where the Egyptians claim it to be. Moreover, Avraham Shaked, former director of an Israeli field school in the Sinai, said in February 1982 that every veteran Eilat resident knew that Taba had been under Egyptian rule until 1967, and knew it would go back to Egypt. Therefore, we believe Israel's argument will place particular emphasis on early 20th century documents and maps to attempt to prove that the boundary has been incorrectly located since before the Mandate. [redacted]

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In 1983, the Israeli Ministry of Foreign Affairs presented to US Embassy Tel Aviv their critique of the Egyptian claim:

- The 1906 Agreement says the boundary "begins at the point of RAS TABA on the western shore of the GULF OF AKABA..." The Egyptian version of the line does not commence at any point that could possibly be "Ras Taba." Similarly, the Egyptian version of boundary marker 91 is some 100 meters inland from the shore.
- The 1906 Agreement states that the boundary "follows along the Eastern ridge overlooking Wadi Taba..." The Egyptian version of the line does not overlook the wadi in all places.

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- ° The 1906 Agreement says that "Boundary pillars will be erected...at intervisible points..." The Egyptian version of pillars 90 and 91 are not intervisible.

We believe none of these arguments are valid, for the following reasons:

- ° The Egyptian version of boundary marker 91 is truly 100 meters from shore. However, Egypt has not claimed this point as the southern terminus of the border, only the southernmost boundary pillar. Presumably, Egypt wants the boundary to run directly to the shore from point 91, probably passing through the existing Israeli checkpoint facilities. The 1906 Agreement map, the 1979 Treaty map, and all pre-1982 Israeli topographic maps, among others, show the boundary extending to shore in this approximate location. The 1979 Treaty map also labels the headland at the southern end of the border as "Ras Taba,"
- ° The high ground flanking Wadi Taba on the east has been dissected by erosion so that there is no straight line, or lines, along which a person could walk and continually keep Wadi Taba in view. According to the Agreement language, it is the ridge, not the line, that overlooks the wadi. The 1906 surveyor's report is more explicit, noting that three "beacons were erected at suitable points on the east cliffs of Wadi Taba, and [one] at the point where they strike the Gulf of Aqaba." We believe these "beacons" are boundary markers 88, 89, 90 and the Egyptian version of 91, each of which overlook Wadi Taba.
- ° Intervisibility was an important technical factor for delimiting most of the markers, however, there are several cases where sequential markers are not intervisible. In the case of the markers along Wadi Taba, the surveyor's report notes that these particular points were chosen by the Commissioners and technical assistance was not necessary. [redacted]

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Officials from the Israeli Ministry of Foreign Affairs also claim that the remains of what Egypt says is boundary marker 91 are actually pieces of an elevation marker, and that in any case, the number of the marker near Ras Taba should be 90. Although the elevation of the site where the marker used to stand is indeed about 91 meters, the British surveyors' used only the English system of measurement. In addition, no other elevation markers in the shape of and using the same materials as the boundary markers exist. Finally, although the most recent post-1982 Survey of Israel maps do not show a boundary marker 91, they do show boundary marker 90 in the same location where Egyptian maps show it some 2,500 meters north of Taba. [REDACTED]

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Jon Kimche, a journalist and brother to Israeli Ministry of Foreign Affairs Director General David Kimche, argues that the Egyptian claim to Taba is based on a falsified 1915 map. Jon Kimche's research has been published in the London Times and The Jerusalem Post, and is also included with the evidence that the Israeli Ministry of Defense has collected to support Israeli's case. Jon Kimche states that a comparison of recently discovered field maps from British surveys of the area in 1909/12 and 1913/14 with the actual map printed in 1915 by the British War Office suggests a calculated forgery by T. E. Lawrence "of Arabia" and other Britons involved in the survey. Although Lawrence did say of the 1915 map, "some of it was accurate and the rest I invented," we agree with British analysts that there is no evidence of border tampering; according to notes on the 1915 map, Lawrence's party never visited the Taba area. In addition, maps produced by the Egyptian Survey Department in 1906 and 1911 show the border east of Wadi Taba as does the 1915 map.⁶ [REDACTED]

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Israel's best case for retaining at least part of the disputed area, however, may be the literal interpretation of selected maps. Although they show the boundary line to the east of the wadi and the present Israeli claim, the small-scale maps that accompanied both the 1906 Agreement and the 1979 Peace Treaty depict the boundary as running to the west of where other (large scale) maps position it, and where the Egyptian claim lies. If all other evidence was ignored, an arbitration panel prone to compromise could establish the boundary near the middle of the zone, based on literal interpretation of these maps. [REDACTED]

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The evidence Israel has presented to support its claim for the location of the boundary line is even weaker than its evidence that attempts to counter the Egyptian claim. Ministry of Foreign Affairs officials cite the presence of the doum

⁶ British officials claim that Kimche has seen the photograph "Supervising the first Sinai boundary pillar at Taba near Aqaba, 1906, " but has ignored it in his writings. [REDACTED]

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palms, the Bir Taba well, remnants of a possible telegraph line and ruins of a probable police post as evidence that the boundary line originally was positioned west of Wadi Taba. However, the Agreement text does not refer to any of these items; none of the on-site reports that mention the palms and the well link these features with the boundary; no maps or reports indicate a telegraph line in this area, let alone associate it with the boundary; and old maps that show a police post position it about 800 meters to the east of the boundary. The palms and the well are to the east of the fence that marks Israel's claim--we believe this is an indication that, in early 1982, Israel laid down its version of the boundary before it had established the basis for its case. [REDACTED]

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A Swiss expert on international law, requested by Israeli Foreign Minister Shamir to study the Taba case, concluded in July 1985 that Israel stands a chance of winning the arbitration decision, only if the arbitrators take into account the facts on the ground, i.e., the hotel. Nevertheless, according to the US Embassy in Tel Aviv, the Israeli Ministry of Defense representative to the Taba talks believes that the Israeli case is sufficiently strong to create at least a serious doubt in the minds of the arbiters about the Egyptian claim, and could lead to an arbitration compromise. [REDACTED]

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Taba and the Future of Egyptian-Israeli Relations

If Egypt and Israel do not agree upon the terms of arbitration, the situation at Taba could continue as it now is for the foreseeable future. Because of its stated position on return of sovereignty Egypt would keep the issue simmering. A "cold peace" between the two countries would continue, and each would perceive the other as the culprit, leading to further strains in relations. Because of the advanced stage of negotiations, however, we believe that arbitration will take place, unless talks are disrupted by some outside event. [REDACTED]

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The outcome of the Taba dispute has more serious implications for the Egyptian government than for Israel. If a future arbitration panel decided in favor of the Israeli claim, Mubarak would face serious political problems at home. Cairo has built up the Taba dispute in the minds of Egyptians as a case of land and honor. If Egypt lost its case, especially considering the amount of evidence in Egypt's favor, Egyptian opposition parties would portray it as a loss of Egyptian sovereignty, and riots and civil disorder probably would ensue. Relations with Israel almost certainly would deteriorate, at least in the short term. Based on Israeli press treatment of Taba, we believe many Israelis would welcome holding on to Taba and its hotel, but some--particularly Prime Minister Pares and other Labor Party members--would be concerned about the negative effects de jure control of Taba would have on Egypt-Israel relations. [REDACTED]

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One alternative, that we believe many Israelis find attractive is a compromised repositioning of the boundary in such a way that the western part of the disputed zone would be returned to Egypt, while the eastern part with the hotel would be retained by Israel. Such a compromise, however, would present nearly the same internal political problems for Cairo as would Israeli retention of the entire zone. []

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If the case were decided in favor of the Egyptian claim, the perception of Mubarak would be elevated in the eyes of most Egyptians. Egypt has stated that once Taba is regained, port facilities would be constructed; ferries to Aqaba then would facilitate the movement of pilgrims to Mecca and commerce with Iraq.⁸ Considering the lack of progress on Egypt's planned development of the remainder of Sinai, such development of Taba is not likely in the near future. []

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We believe that Israel would most willingly accept Egyptian control of Taba if the management of the hotel were unaffected and easy access by Israelis to the hotel were maintained. After the Likud members of the National Unity Government went along with the principle of arbitration in January, the Taba issue lost much of its potential for disrupting this or any future Israeli Government. Mubarak would probably accede to Israeli access to the hotel, primarily because this action would make him look good in the eyes of the US. Besides, any income, including taxes, that Egypt would generate from the Sonesta would not likely come from Egyptian tourists. Taba is a long, hot, 8-hour ride through the desert from Cairo, and most Egyptians cannot afford 5-star accommodations anyway. []

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We believe the last scenario--returning Taba to Egypt with provisions for Israeli access to the hotel--presents the best opportunity for improved Egypt-Israel relations. Consequently, this outcome is most favorable to US interests in the region. Based on the evidence available to us at this time, an arbitration panel probably would make this decision. []

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⁸ Article 6 of Annex 3 of the 1979 Peace Treaty states that, "...a highway will be constructed between Egypt, Israel and Jordan near Eilat with full guaranteed free and peaceful passage of persons vehicles and goods between Egypt and Jordan, without prejudice to their sovereignty over that part of the highway which falls within their respective territory." To date nothing has been done on this proposed transportation link. []

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